

Please type a plus sign (+) inside this box → ☐

PTO/SB/05 (11-00)

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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UTILITY PATENT APPLICATION TRANSMITTAL

Attorney Docket No. 38137-0018

First Inventor Markus Eickmann

Title VARICELLA ZOSTER VIRUS (VZV) IMMUNOREACTIVE PROTEIN
VP26 AND ITS DIAGNOSTIC USE

Express Mail Label No.

(Only for new nonprovisional applications under 37 C.F.R. 1.53(b))

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 15]
(preferred arrangement set forth below)
 - Descriptive title of the Invention
 - Cross References to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 12]
[Total Pages]
5. Oath or Declaration [Total Pages]
 - a. ☐ Newly executed (original or copy)
 - b. ☒ Copy from a prior application (37 CFR 1.63 (d))
(for a continuation/divisional with Box 18 completed)
 - i. ☐ DELETION OF INVENTOR(S)
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

ADDRESS TO:

Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
 - a. ☐ Computer Readable Form (CRF)
 - b. Specification Sequence Listing on:
 - i. ☐ CD-ROM or CD-R (2 copies); or
 - ii. ☒ paper
 - c. ☒ Statements verifying identity of above copies

ACCOMPANYING APPLICATIONS PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 C.F.R. §3.73(b) Statement of Power of Attorney (when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☒ Information Disclosure Statement (IDS)/PTO-1449 [Copies of IDS Citations]
13. ☒ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. ☐ Request and Certification under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☒ Other: Letter to the Official Draftsman & Formal Drawings; Request for Approval to Change Drawings

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☒ Divisional ☐ Continuation-in-part (CIP)

of prior application No: 09 / 219,337; filed: December

23, 1998

Group / Art Unit: 1648

Prior application information: Examiner A. Salimi

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

17. CORRESPONDENCE ADDRESS

☒ Customer Number or Bar Code Label

(Insert Customer Number or Bar Code label here)

or ☒ Correspondence address below

Name	PATENT TRADEMARK OFFICE			
Address				
City	State	Zip Code		
Country	Telephone	Fax		

Name (Print/Type)

Marvin Motsenbocker

Registration No. (Attorney/Agent)

36,614

Signature

Marvin Motsenbocker

Date

June 6, 2001

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

<h1 style="margin: 0;">FEE TRANSMITTAL</h1> <h2 style="margin: 0;">for FY 2001</h2> <p style="margin: 5px 0;"><i>Patent fees are subject to annual revision.</i></p>		<p>Complete if Known</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Application Number</td> <td style="width: 50%;">To Be Assigned</td> </tr> <tr> <td>Filing Date</td> <td>Concurrently Herewith</td> </tr> <tr> <td>First Named Inventor</td> <td>Markus Eickmann</td> </tr> <tr> <td>Examiner Name</td> <td>To Be Assigned</td> </tr> <tr> <td>Group / Art Unit</td> <td>To Be Assigned</td> </tr> <tr> <td>Attorney Docket No.</td> <td>38137-0018</td> </tr> </table>		Application Number	To Be Assigned	Filing Date	Concurrently Herewith	First Named Inventor	Markus Eickmann	Examiner Name	To Be Assigned	Group / Art Unit	To Be Assigned	Attorney Docket No.	38137-0018
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<p>TOTAL AMOUNT OF PAYMENT (\$) 710</p>		<p>26633</p> <p>PATENT TRADEMARK OFFICE</p>													

<p>METHOD OF PAYMENT (check one)</p> <p>1. <input type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:</p> <p>Deposit Account Number: 08-1641</p> <p>Deposit Account Name: Heller Ehrman White & McAuliffe LLP</p> <p><input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17</p> <p><input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27</p> <p>2. <input checked="" type="checkbox"/> Payment Enclosed:</p> <p><input checked="" type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> Other</p>					<p>FEE CALCULATION (continued)</p> <p>3. ADDITIONAL FEES</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Fee Code</th> <th>Large Entity Fee (\$)</th> <th>Small Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>105</td><td>130</td><td>65</td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>127</td><td>50</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>139</td><td>130</td><td>130</td><td>Non-English specification</td><td></td></tr> <tr><td>147</td><td>2,520</td><td>2,520</td><td>For filing a request for reexamination</td><td></td></tr> <tr><td>112</td><td>920*</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>113</td><td>1,840*</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>115</td><td>110</td><td>55</td><td>Extension for reply within first month</td><td></td></tr> <tr><td>116</td><td>390</td><td>195</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>117</td><td>890</td><td>445</td><td>Extension for reply within third month</td><td></td></tr> <tr><td>118</td><td>1,390</td><td>695</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>128</td><td>1,890</td><td>945</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>119</td><td>310</td><td>155</td><td>Notice of Appeal</td><td></td></tr> <tr><td>120</td><td>310</td><td>155</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>121</td><td>270</td><td>135</td><td>Request for oral hearing</td><td></td></tr> <tr><td>138</td><td>1,510</td><td>1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr> <tr><td>140</td><td>110</td><td>55</td><td>Petition to revive - unavoidable</td><td></td></tr> <tr><td>141</td><td>1,240</td><td>620</td><td>Petition to revive - unintentional</td><td></td></tr> <tr><td>142</td><td>1,240</td><td>620</td><td>Utility issue fee (or reissue)</td><td></td></tr> <tr><td>143</td><td>440</td><td>220</td><td>Design issue fee</td><td></td></tr> <tr><td>144</td><td>600</td><td>300</td><td>Plant issue fee</td><td></td></tr> <tr><td>122</td><td>130</td><td>130</td><td>Petitions to the Commissioner</td><td></td></tr> <tr><td>123</td><td>130</td><td>130</td><td>Petitions related to provisional applications</td><td></td></tr> <tr><td>126</td><td>180</td><td>180</td><td>Submission of Information Disclosure Stmt</td><td></td></tr> <tr><td>581</td><td>40</td><td>40</td><td>Recording each patent assignment per property (times number of properties)</td><td></td></tr> <tr><td>146</td><td>710</td><td>355</td><td>Filing a submission after final rejection (37 CFR § 1.129(a))</td><td></td></tr> <tr><td>149</td><td>710</td><td>355</td><td>For each additional invention to be examined (37 CFR § 1.129(b))</td><td></td></tr> <tr><td>179</td><td>710</td><td>355</td><td>Request for Continued Examination (RCE)</td><td></td></tr> <tr><td>169</td><td>900</td><td>900</td><td>Request for expedited examination of a design application</td><td></td></tr> </tbody> </table> <p>Other fee (specify) _____</p> <p>*Reduced by Basic Filing Fee Paid</p>					Fee Code	Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid	105	130	65	Surcharge - late filing fee or oath		127	50	25	Surcharge - late provisional filing fee or cover sheet		139	130	130	Non-English specification		147	2,520	2,520	For filing a request for reexamination		112	920*	920*	Requesting publication of SIR prior to Examiner action		113	1,840*	1,840*	Requesting publication of SIR after Examiner action		115	110	55	Extension for reply within first month		116	390	195	Extension for reply within second month		117	890	445	Extension for reply within third month		118	1,390	695	Extension for reply within fourth month		128	1,890	945	Extension for reply within fifth month		119	310	155	Notice of Appeal		120	310	155	Filing a brief in support of an appeal		121	270	135	Request for oral hearing		138	1,510	1,510	Petition to institute a public use proceeding		140	110	55	Petition to revive - unavoidable		141	1,240	620	Petition to revive - unintentional		142	1,240	620	Utility issue fee (or reissue)		143	440	220	Design issue fee		144	600	300	Plant issue fee		122	130	130	Petitions to the Commissioner		123	130	130	Petitions related to provisional applications		126	180	180	Submission of Information Disclosure Stmt		581	40	40	Recording each patent assignment per property (times number of properties)		146	710	355	Filing a submission after final rejection (37 CFR § 1.129(a))		149	710	355	For each additional invention to be examined (37 CFR § 1.129(b))		179	710	355	Request for Continued Examination (RCE)		169	900	900	Request for expedited examination of a design application	
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<p>SUBMITTED BY</p>				<p>Complete (if applicable)</p>	
Name (Print/Type)	Marvin A. Motsenbocker	Registration No. Attorney/Agent	36,614	Telephone	(202) 912-2000
Signature				Date	June 6, 2001

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:
Markus EICKMANN *et al.*

Attorney Docket No.: 38137-0018

Serial No.: *To Be Assigned*

Art Unit: *To Be Assigned*

Filed: *Concurrently Herewith*

Examiner: *To Be Assigned*

For: VARICELLA ZOSTER VIRUS (VZV) IMMUNOREACTIVE PROTEIN VP26 AND
ITS DIAGNOSTIC USE

REQUEST FOR APPROVAL TO CHANGE DRAWINGS

Director, U.S. Patent and Trademark Office
Washington, DC 20231

Sir:

Please delete FIGS. 2 and 5 and amend FIGS. 3 and 4 as indicated in red in the attached copies. These revisions, approved in parent Application Serial No. 09/219,337, are reflected in the formal drawings filed concurrently herewith.

Respectfully submitted,

Date: June 6, 2001

Marvin A. Motsenbocker

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Washington, D.C. 20006-4004
Telephone: (202) 912-2000
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Marvin A. Motsenbocker
Reg. No.: 36,614

Customer No. 26633



26633

PATENT TRADEMARK OFFICE

09/219,337

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:
Markus EICKMANN *et al.*

Attorney Docket No.: 38137-0018

Serial No.: *To Be Assigned*

Art Unit: *To Be Assigned*

Filed: *Concurrently Herewith*

Examiner: *To Be Assigned*

For: VARICELLA ZOSTER VIRUS (VZV) IMMUNOREACTIVE PROTEIN VP26 AND
ITS DIAGNOSTIC USE

LETTER TO THE OFFICIAL DRAFTSMAN

Director, U.S. Patent and Trademark Office
Washington, DC 20231

Sir:

Attached are five sheets of formal drawings, illustrating FIGS. 1(a)-1(c), 2, and 3 in connection with the above-identified application. These formal drawings reflect the revisions submitted in the accompanying Request for Approval of Drawing Changes and were approved in parent Application Serial No. 09/219,337.

Respectfully submitted,

Date: June 6, 2001

Marvin A. Motsenbocker

HELLER EHRMAN WHITE & MCAULIFFE LLP
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